

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
WILSON OF SOUTH CAROLINA,
OR HIS DESIGNEE, DEBATABLE FOR 30 MINUTES.

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 5522, AS REPORTED
OFFERED BY MR. WILSON OF SOUTH CAROLINA**

Strike all after the enacting clause and insert the
following:

1 **SECTION 1. INVESTIGATION ON COMBUSTIBLE DUST AND**
2 **DETERMINATION OF ADDITIONAL ACTION.**

3 (a) DETERMINATION BY THE SECRETARY.—Upon
4 completion of the Department of Labor's investigation of
5 the accident that occurred at Imperial Sugar in Port
6 Wentworth, Georgia on February 7, 2008, and based on
7 the data gathered from the Combustible Dust National
8 Emphasis Program, the Secretary of Labor shall deter-
9 mine—

10 (1) if the safety standards that are in effect as
11 of the date of enactment of this Act do not ade-
12 quately address the issue of combustible dust; and

13 (2) whether an occupational safety and health
14 standard regarding combustible dust is necessary.

15 (b) RULEMAKING OR REPORT TO CONGRESS.—If the
16 Secretary determines that an occupational safety and
17 health standard regarding combustible dust is necessary,
18 the Secretary shall promulgate a rule pursuant to section

1 6(b) of the Occupational Safety and Health Act (29
2 U.S.C. 655(b)) not later than 36 months after the comple-
3 tion of the investigation described in subsection (a). If the
4 Secretary determines that such a standard is not nec-
5 essary, the Secretary, not later than 6 months after mak-
6 ing such a determination, shall transmit a report to Con-
7 gress that specifically addresses the Secretary's reasons
8 for determining that a combustible dust standard is un-
9 necessary.

